

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ____ day of ____, 2005:

Present

Vote

James S. Burgett, Chairman
Walter C. Zaremba, Vice Chairman
Sheila S. Noll
Kenneth L. Bowman
Thomas G. Shepperd, Jr.

On motion of _____, which carried ____, the following ordinance was adopted:

AN ORDINANCE TO APPROVE A PLANNED DEVELOPMENT OF UP TO 76 QUADRUPLX UNITS IN ACCORDANCE WITH THE SENIOR HOUSING-INDEPENDENT LIVING DEFINITION AND PERFORMANCE STANDARDS OF THE YORK COUNTY ZONING ORDINANCE

WHEREAS, Villa Development, LLC has submitted Application No. PD-16-05 which requests to amend the York County Zoning Map by reclassifying approximately 15.3 acres located on the north side of George Washington Memorial Highway (Route 17) approximately 1,240 feet north of its intersection with Cook Road (Route 704) from LB (Limited Business) to PD (Planned Development) subject to voluntarily proffered conditions. The property is bounded by Route 17 to the south, Falcon Road (Route 1254) to the west and north, and Cook Road to the east. Pursuant to Section 24.1-361(c)(2) of the York County Zoning Ordinance, the applicant proposes to develop a 76-unit development of age-restricted (62 and older) quadruplex homes in accordance with the "Senior Housing – Independent Living" definition and performance standards of the Zoning Ordinance. The properties, located at 8926, 8934, and 9000 George Washington Memorial Highway and 401 and 498 Cook Road, are further identified as Assessor's Parcel Nos. 24-80-4, 24-80-5, 24-80-6, 24-23, and 24-25 (GPIN# Q09a-1540-2704, Q09a-1459-2762, Q09a-1399-3125, Q09a-1667-3097, and Q09a-1611-3208);

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the ____ day of ____, 2005, that Application No. PD-16-05 be, and it is hereby, approved to amend the York County Zoning Map by reclassifying from LB (Limited Business) to PD (Planned Development) approximately 15.3 acres located at 8926, 8934, and 9000 George Washington Memorial Highway and 401 and 498 Cook Road, further identified as Assessor's Parcel Nos. 24-80-4, 24-80-5, 24-80-6, 24-23, and 24-25 (GPIN# Q09a-1540-2704, Q09a-1459-2762, Q09a-1399-3125, Q09a-1667-3097, and Q09a-1611-3208), subject to the following conditions:

1. Age Restriction

This Planned Development shall be developed and operated as age-restricted senior housing in accordance with the definition of Senior Housing-Independent Living Facility set forth in Section 24.1-104 of the York County Zoning Ordinance.

2. General Layout, Design, and Density

- a) A site plan, prepared in accordance with the provisions of Article V of the Zoning Ordinance, shall be submitted to and approved by the Department of Environmental and Development Service, Division of Development and Compliance prior to the commencement of any land clearing or construction activities on the site. said site plan shall be in substantial conformance with the conceptual plan titled "Master Plan #2: Villas at Yorktown, A Planned Community," prepared by C. E. Newbaker Surveying & Planning, Inc. and dated April 18, 2005, except as modified herein. Substantial deviation, as determined by the Zoning Administrator, from the general design and layout as submitted or amended herein shall require resubmission and approval in accordance with all applicable provisions as established by the York County Zoning Ordinance.
- b) The layout and design of this development shall be in conformance with the performance standards for senior housing set forth in Section 24.1-411 of the York County Zoning Ordinance, except as modified herein.
- c) The maximum number of residential units shall be 76.

- d) Street trees at least 1½ inch in diameter shall be provided (or credited for existing trees) at no less than forty-foot (40') intervals along the interior road in the development. Street trees at least 1½ inch in diameter shall be provided (or credited for existing trees) at no less than forty-foot (40') intervals in the median of the boulevard-type entrance on Hampton Highway.
- e) Freestanding signage shall be limited to a single monument-type community identification sign along Falcon Road measuring no greater than 24 square feet in area and six feet (6') in height.

3. Streets and Circulation

- a) Roadway design and construction shall be in substantial conformance with the Development Plan. The design and construction of all streets shall adhere to the street and roadway standards established for public streets by the County and the Virginia Department of Transportation (VDOT). The applicant shall bear responsibility for installing all roadway improvements.
- b) All streets shall be of a curb and gutter design; roll-top curb shall be permissible throughout the development.
- c) In order to provide for safe and convenient pedestrian circulation, the project shall include a four-foot (4') wide sidewalk as shown on the concept plan.
- d) Street lighting shall be provided at each street intersection and at other such locations determined by the subdivision agent to maximize vehicle and pedestrian safety. The design of the street lighting shall be consistent with the design and character of the development.
- e) A right turn radius consistent with the standards of the Virginia Department of Transportation (VDOT) shall be constructed along Falcon Road (Route 1254) at the entrance to the development.

4. Utilities and Drainage

- a) Public sanitary sewer service shall serve this development, the design of which shall be subject to approval by the County Administrator or his designated agent in consultation with the Department of Environmental and Development Services and in accordance with all applicable regulations and specifications. The applicant shall grant to the County all easements deemed necessary by the County for the maintenance of such sewer lines.
- b) A public water supply and fire protection system shall serve the development, the design of which shall be subject to approval by the County Administrator or his designated agent in consultation with the Department of Environmental and

Development Services and the Department of Fire and Life Safety in accordance with all applicable regulations and specifications. The applicant shall grant to the County or the City of Newport News all easements deemed necessary by the County for maintenance of such water lines.

- c) The development shall be served by a stormwater collection and management system, the design of which shall be approved by the County Administrator or his designated agent in consultation with VDOT and in accordance with applicable regulations and specifications. Any easements deemed necessary by the County for maintenance of the stormwater system shall be dedicated to the County; however, the County shall bear no responsibility for such maintenance.
- d) The homeowners' association shall own and be responsible for the perpetual maintenance of all stormwater retention facilities serving the Planned Development.

5. Open Space and Recreation

- a) The location and arrangement of open space shall be generally as depicted on the plan titled "Master Plan #2: Villas at Yorktown, A Planned Community," prepared by C. E. Newbaker Surveying & Planning, Inc. and dated April 18, 2005.
- b) A minimum of 200 square feet of common active/passive outdoor recreation area per dwelling unit shall be provided.
- c) The walking trail surrounding the proposed stormwater pond as depicted on the referenced concept plan shall be constructed of an asphalt surface.
- d) The recreation area and facilities designated shall be developed and available for use on or before the occupancy of the twenty-fourth (24th) unit or by the end of the fifth (5th) year from the start of construction, whichever occurs first.
- e) Landscape buffers no less than fifty feet (50') in width shall be provided along the entire Route 17 and Cook Road frontages of the property. Said buffers shall be left in an undisturbed natural state and supplemented with additional landscaping where clearing has already taken place. This shall not be interpreted to preclude 1) the planting of additional trees, shrubs, or groundcovers, 2) the construction of perimeter fencing and lighting fixtures, 3) limited clearing of underbrush, nuisance plants, and dead or diseased plants and trees, and 4) the perpendicular installation of utilities necessary to serve the development. Any sight line clearing shall be shown on the landscape plan for the site which shall include both plan and perspective views.
- f) Temporary tree protection barriers shall be installed prior to clearing or construction to protect the roots of any existing tree within any required

perimeter buffer area even if it requires additional construction offset on property that is not within the buffer.

- g) The location and manner of development for the recreation area shall be fully disclosed in plain language to all home purchasers in this development prior to closing.
- h) All common open space and recreational facilities shall be protected and perpetual maintenance guaranteed by appropriate covenants as required in the York County Zoning Ordinance and submitted with development plans for the project.
- i) All recreational services, facilities, and equipment shall be subject to approval by the Division of Parks and Recreation for their consistency with the applicant's proffered conditions and recreational requirements as listed in the Planned Development regulations in the Zoning Ordinance.

6. Environment

- a) A Natural Resources Inventory, prepared in accordance with the requirements set forth in Section 24.1-372(d) of the Zoning Ordinance, shall be submitted for review and approval concurrent with the site plan submission.
- b) Prior to final plan approval, the applicant shall obtain all wetland permits required by federal and state regulations and submit copies of these permits, or evidence that such permits are unnecessary, to the Zoning Administrator.

7. Proffered Conditions

The reclassification shall be subject to the conditions voluntarily proffered by the property owners in the proffer statement titled "Proposed Proffers by Owners for Application for Property of the Villas at Yorktown, L.L.C. and Villa Development, L.L.C.," signed by Cowles M. Spender and dated April 22, 2005, except as modified herein. Pursuant to Section 24.1-114(e)(1) of the Zoning Ordinance, a certified copy of this ordinance together with a duly signed copy of the proffer statement shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

8. Restrictive Covenants

Prior to final plan approval, the applicant shall submit restrictive covenants for review by the County Attorney for their consistency with the requirements of Section 24.1-497 of the Zoning Ordinance.

BE IT FURTHER ORDAINED by the Board of Supervisors that, contingent on the Board's approval of Application No. ZT-92-05 as it pertains to Section 24.1-

361(c)(2) of the York County Zoning Ordinance, approval of Application No. PD-16-05 shall be subject to the following conditions in addition to those set forth above:

1. Notwithstanding the provisions of Section 24.1-411(e) of the Zoning Ordinance, the fifty-foot (50') landscaped perimeter buffer around the development shall be reduced to no less than twenty-five feet (25') in width along the subject property's western property boundary adjacent to Falcon Road and along the eastern property boundary adjacent to the parcels located at 8918 George Washington Memorial Highway and 307 Cook Road, further identified as Assessor's Parcel Nos. 24-80-3 and 24-22A respectively.
2. Notwithstanding the provisions of Section 24.1-411(f) of the Zoning Ordinance, the normally required twenty-five feet (25') of open landscaped space surrounding each building may be reduced provided, however, that no two buildings within the project shall be located closer to one another than thirty feet (30') and that the minimum building setback from internal streets shall be twenty feet (20').